

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE NINETEENTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

and

HON'BLE SRI JUSTICE M.NARAYANA REDDY

WRIT PETITION NO : 317 of 2005

Between:

Jaldu Raja Visala Subba Rao, S/o. Late Rama Rao,
R/o. 15/155, SBI Road, Machilipatnam, Krishna District.

..... PETITIONER

AND

1 The Registrar General, High Court of Andhra Pradesh,
Hyderabad.

2 Government of Andhra Pradesh, Law (LA & J.SCF)
Department,
Secretariat, Hyderabad, Rep. by its Secretary.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the
circumstances stated in the Affidavit filed herein the High Court will be

pleased to issue writ of mandamus or any other appropriate writ or direction of declaring the order of the 1st respondent passed in ROC.No.202/2004-RC dated 31-12-2004, as illegal, arbitrary and consequently direct the respondents to consider the claim of the petitioner to the post of District and Sessions Judge Grade II subject to outcome of O.S.No. 304/2004 pending on the file of Principal Junior Civil Judge, Machilipatnam, and pass such other or further orders.

Counsel for the Petitioner : MR.G.VIVEKANAND

Counsel for the Respondent No.1: MR. C.V. NAGARJUNA REDDY

Counsel for the respondent No.2: G.P. FOR LAW.

The Court made the following :

ORAL ORDER:

(per Hon'ble The Chief Justice)

.....

1 . Heard. Petitioner's recorded date of birth in S.S.C. Certificate is 30.07.1958. Therefore, he has not been issued hall ticket for the examination scheduled to be held on 30.01.2005 to fill up the posts of District & Sessions Judges, Grade II, in the A.P. State Higher Judicial Service. One of the essential requirements is that applicant's age as on 01.05.2004 should not exceed 45 years. Petitioner's grievance is that on 06.05.2004 he had filed a suit seeking correction of his date of birth on the basis of the horoscope and since suit is pending, he may be permitted to appear in the examination subject to the result of the suit. Such a prayer cannot be allowed. Till date of birth is corrected, petitioner has no right to seek permission to appear in the examination on the basis of the date of birth mentioned in the horoscope, which, according to the petitioner, is correct date of birth inasmuch as authorities are bound to take notice of the recorded date of birth. Right will accrue in favour of the petitioner only when date of birth is lawfully altered.

2. In the result, writ petition is dismissed. No costs.

DEVINDER GUPTA. C.J.,

M. NARAYANA REDDY. J.,

Dated: 19.01.2005.

VRK.

To

1 The Registrar General, High Court of Andhra Pradesh,
Hyderabad.

2 The Secretary to Government, Law (LA & J.SCF)
Department, Secretariat, Hyderabad.

3. Two CCs to G.P., for Law, High Court Buildings,
Hyderabad (OUT).

4. Two CD copies.

HON'BLE SRI DEVINDER GUPTA,

CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE M. NARAYANA REDDY.

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W.P.NO. 317 OF 2005.

**(Order of the Bench delivered by
Hon'ble The Chief Justice)**

Dt: 19.01.2005.

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